

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NICE SYSTEMS, INC. and  
NICE SYSTEMS, LTD.,

*Plaintiffs,*

v.

WITNESS SYSTEMS, INC.

*Defendant.*

Civil Action No. 06-311-JJF

**WITNESS SYSTEMS, INC. MOTION FOR PARTIAL SUMMARY  
JUDGMENT ON LACHES**

Comes now Witness Systems, Inc. (“Witness Systems”), and by and through its attorneys, pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves the Court to grant it partial summary judgment by dismissing Plaintiffs infringement claims under the doctrine of laches.

This Motion is based on the DEFENDANT WITNESS SYSTEMS, INC.’S BRIEF IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT ON LACHES filed contemporaneously herewith, on the documents submitted as exhibits thereto, on the pleadings in this civil action, and on such further evidence and argument as the Court may receive prior to its decision.

Dated: November 2, 2007

FISH & RICHARDSON P.C.

By: /s/ Kyle Wagner Compton

William J. Marsden, Jr. (#2247)

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ATTORNEYS FOR DEFENDANT

WITNESS SYSTEMS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of November, 2007, I electronically filed with the Clerk of Court the **DEFENDANT WITNESS SYSTEMS, INC.'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON LACHES** using CM/ECF which will send electronic notification of such filing(s) to the below-listed Delaware counsel. In addition, the filing will also be sent via hand delivery.

Josy W. Ingersoll  
Melanie K. Sharp  
Karen E. Keller  
Mary Dugan  
Young, Conaway, Stargatt & Taylor,  
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*Attorneys for Plaintiffs  
Nice Systems Ltd. and Nice Systems,  
Inc.*

I also certify that on November 2, 2007, I have sent by electronic mail and U.S. First Class Mail, the document(s) to the following non-registered participants:

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Daniel DiNapoli  
Joseph M. Drayton  
Robert R. Laurenzi  
Jason Frank  
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*Attorneys for Plaintiffs  
Nice Systems Ltd. and Nice Systems,  
Inc.*

/s/Kyle Wagner Compton  
Kyle Wagner Compton (#4693)

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**WITNESS SYSTEMS, INC. STATEMENT ACCOMPANYING ITS  
MOTION FOR PARTIAL SUMMARY JUDGMENT ON LACHES**

Pursuant to the Court's Memorandum Order on Summary Judgment Procedure, Witness Systems, Inc. hereby certifies that no genuine issues of material fact exist with respect to the facts recited in support of its Motion for Partial Summary Judgment on Laches.

Dated: November 2, 2007

FISH & RICHARDSON P.C.  
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